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SUBJECT: VENEZUELA: POLICE OFFICIALS IN CUSTODY AFTER
ASYLUM DENIED

Classified By: Abelardo A. Arias, Political Counselor, for
Reason 1.4(d)

Summary

1. (U) Venezuelan authorities took former Metropolitan Police commissioners Henry Vivas and Lazaro Forero into police custody on December 3, after the government of El Salvador refused their request for political asylum. The former police leaders sought asylum at the Salvadoran Embassy in Caracas on November 26. The GOV accuses Vivas and Forero of being the "intellectual authors" directing police operations during the April 11, 2002 events when approximately 20 people were killed and many more injured during an opposition march on the Presidential Palace that resulted in president Hugo Chavez's temporary ouster. End Summary.

Arrested and Charged

2. (U) Venezuelan authorities took former Metropolitan Police commissioners Henry Vivas and Lazaro Forero into police custody on December 3. They were moved from the Salvadoran Embassy in Caracas, where they had sought political asylum on November 26, to the Investigative and Criminal Police Corps (CICPC) headquarters under heavy guard after the Salvadoran government officially refused their request for political asylum. As the two left the Salvadoran Embassy, Prosecutor Luisa Ortega advised Vivas and Forero that they were charged with directing police operations during the April 11, 2002 events when 20 people were killed and many more injured. At the time, an opposition march moved to the Presidential Palace, and police clashed with government supporters. (Note: Former Caracas mayor Alfredo Pena was also under investigation for April 11 events. Pena fled from Venezuela, allegedly to Miami, and has also been formally charged with corruption charges.) Vivas and Forero are now being held in pre-trial detention at CICPC headquarters.

Asylum Attempt

3. (U) Salvadoran Foreign Minister Francisco Lainez told reporters Vivas and Forero were refused asylum based on treaties and international agreements on political asylum. Lainez said the decision was made after an exhaustive analysis and meetings with the GOV, diplomatic community, and the Catholic Church. The Salvadoran Ambassador to Costa Rica, Hugo Carrillo, was sent to Venezuela as a special envoy in the Vivas-Forero asylum request and met with Vice President Jose Vicente Rangel November 29. Lainez denied any ties between the asylum decision and supposed oil negotiations or the search for votes for El Salvador's ex-president and candidate for the Secretary General of the Organization of American States (OAS), Francisco Flores.

4. (U) Vivas and Forero's lawyer, Juan Garanton, said they had sought asylum because political persecution made them fear for their safety. Lainez reassured reporters that Vivas and Forero were delivered to the Venezuelan authorities only after reaching an agreement to guarantee their physical and mental well-being. Mexico, Argentina, Costa Rica and El Salvador were part of the agreement. According to the press, the leftist opposition in El Salvador had urged that the asylum request be denied and celebrated the decision.

5. (C) Constitutional lawyer Tulio Alvarez told PolCouns December 3 that he had met with Forero and Vivas the day they entered the Salvadoran Embassy. From the beginning, Alvarez asserted, it was evident that the Salvadorans were not going to grant asylum. He said the Salvadoran Charge had wanted him to convince Forero and Vivas to leave the Embassy premises, but he refused because he "could not have asked the men to give up the legal right to request asylum." Asked why they went to the Salvadorans, Alvarez said the two were being pursued (Alvarez encountered political police (DISIP) agents

in the building's basement) and feared for their lives.

Comment

16. (C) More than two years after the April 11 events, Chavez and his supporters are still looking to hold some non-Chavistas responsible and Vivas and Forero are good candidates. After a year in custody, eight Metropolitan police officials charged with the shootings of April 11 began to change their story and allegedly implicated Vivas and Forero. Apparently unable to produce a viable case against the street cops, the GOV has turned to their more visible and well known superiors to place blame. It is good public fodder, regardless of whether there will be sufficient evidence to prove the case. Much is likely to rest on tapes, of questionable origin, in GOV possession of the police commanders issuing operational orders on April 11.

17. (C) From here, the reasoning behind the Salvadoran denial is unclear, although the Salvadoran OAS candidacy may be an important element. Rumors and conventional wisdom also attribute the decision to "petro-pressure," but we do not put much store in that. For Chavez opponents, however, it is another demoralizing blow that the GOV was able to close out the option of obtaining asylum at a foreign embassy in Venezuela.
Brownfield

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